

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the)	
relation of State Engineer,)	
)	
Plaintiff,)	
)	69cv07941-BB
-v-)	
)	RIO CHAMA STREAM SYSTEM
RAMON ARAGON et al.,)	
)	
Defendants.)	
_____)	

MOTION OF SPECIAL MASTER
FOR INTERIM FEES AND EXPENSES

TO: The Honorable Bruce D. Black
United States District Judge

FROM: Vickie L. Gabin
Special Master

A Motion requesting the Court to approve interim fees and expenses, a brief summary of the work performed, and the Special Master's Declaration in support of Motion

This Motion is submitted pursuant to the Administrative Order entered February 23, 1995, regarding the manner in which the Special Master, data manager and other personnel required by the Special Master are paid for services, costs, expenses and New Mexico gross receipts taxes related to this adjudication. The Special Master hereby moves for an order of the Court approving the work performed in this case from January 1, 2010, through June 30, 2010, as described herein, and the manner by which fees and expenses have been paid from the trust account.

I. WORK PERFORMED

A. Case management

The adjudication of non-federal rights is progressing, and is nearly completed. On April 8, the court entered a Partial Final Judgment and Decree on Surface Water Irrigation Rights for Section 5 (Rio Gallina)(Doc. No. 9669). The court's data manager continues to track all water rights

information contained in newly filed consent orders for Sections 3 (Rios Cebolla, Canjilon and Las Nutrias), and Section 7 (Tierra Amarilla). In May, the court entered orders approving the next phase of *inter se* and final proceedings for the surface water irrigation rights in the Rio Nutrias Subsection of Section 3, and the Rito de Tierra Amarilla Subsection of Section 7. I continue to review and approve consent orders and acknowledgments, and decide motions relevant to subfile activity in these sections. Of the approximately nine disputed subfile proceedings which had been placed on a litigation track (*see* Docs. No. 9458, 9491, 9511, 9526), all save one have settled; and the remaining disputes are in negotiations.

The Vallecito and Rio del Oso areas (interim scheduling order entered November 12, 2009, Doc. No. 9527) are the next, and last, new sections of the Chama stream system to be surveyed and adjudicated. Field work was scheduled to be completed by July, 2010.

In Section 7, the resolution of the state law-based claims of the Jicarilla Apache Nation is proceeding; the parties expect to have completed a consent order describing the complete set of water rights by November. Efforts to bring up to date and complete the reaches of the Rio Chama Stream System which were adjudicated in previous decades continue.

B. Federal and Indian water rights claims

The adjudication of the water rights claims of the Pueblo of Ohkay Owingeh has been pushed back once again because Pueblo claims in other federal adjudications are moving forward and the same attorney and court resources are dedicated to those proceedings. I entered a Second Amended Scheduling Order on Pueblo Claims in May (No. 9713), which provides deadlines for discovery matters through June, 2016. Trial is tentatively scheduled for June, 2017.

The Wild and Scenic River claims matter, which was remanded to me by the Court, is

governed by the July 18, 2005, Initial Scheduling and Pretrial Order for the Adjudication of Wild and Scenic River Claims, as amended. The parties are continuing to work on reaching a proposed consent order, and I continue to examine strategies for subsequent *inter se* proceedings.

II. DECLARATION

DECLARATION OF SPECIAL MASTER IN SUPPORT OF MOTION

I, Vickie L. Gabin, declare that the work described above is the basis for this Motion, and that the work of data manager, Karla Bruner, AquaTek, Inc., has been completed as described. Hourly records of work performed are available from the contractor if needed.

Dated: August 11, 2010

Vickie L. Gabin

SPECIAL MASTER VICKIE L. GABIN